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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,331	12/05/2000	Noah P. Orlen	CLRI00-013	8189

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EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,331

Applicant(s)

ORLEN ET AL.

Examiner

Thien D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1 recites the limitation "the remote terminal" on line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6, 9, 12-14, 17, 18, 20, rejected under 35 U.S.C. 102(e) as being participated by Steele et al (U.S 2002/0046084 A1).

Regarding claim 1 Steele discloses a method of facilitating access to a remote server comprising the steps of:

establishing a two-way wireless interface between a multimedia/navigator 20 (portable device) and a cellular node 80, figure 1 (local area node) coupled to the remote servers and databases, figure 3;

communicating configuration data and register data (terms data) to the portable device including terms for establishing an interface between the local area node and the remote server in response thereto, col.5 paragraph 0070;

sending a confirmation, yes signal (acceptance signal) from the portable device to the local node in response to the terms data, col.7 paragraphs 0115-0117; and

relaying information between the portable device and the remote terminal through the local node area in response to the acceptance signal, paragraph 0017 .

Regarding claim 2, Steele discloses that the terms data requires a user of the portable device to agree to perform an act or no selection (omission) not related to the step of relaying of information between the portable device and the remote terminal, figure 6.

Regarding claim 3, Steele discloses that the terms data requires a user of the portable device to interact with an advertisement presented to the user on the portable device, col.8 paragraph 0122.

Regarding claim 4, Steele discloses that the portable device includes profile information indicative of the portable device and the terms data requires communication of the profile information from the portable device to the local node, figure 1.

Regarding claim 5, Steele discloses that the portable device includes profile information indicative of a user of the portable device and the terms data requires communication of the personality information from the portable device to the local node, col.4 paragraph 0066.

Regarding claim 6, Steele discloses that the terms data is communicated from the local area node to the portable device, figure 3.

Regarding claim 9, Steele discloses the two-way wireless interface is established using a satellite frequency (first wireless frequency spectrum) and the method further comprises the steps of:

transmitting signals from a gateway 30 (wide area node) to the portable device, the signals being generated in response to the remote server, and the signals being transmitted on cellular frequency (a second wireless frequency spectrum) substantially different from the first wireless frequency spectrum, wherein said step of relaying relays the information through the local area node in response to the signals transmitted by the wide area node, col.5 paragraph 0071.

Regarding claim 12, Steele discloses that step of transmitting signals transmits at least a portion of a message from the wide area node to the portable device and further comprises the steps of:

presenting the message to a user of the portable device, col.4 paragraph 0057;
and

receiving a user response signal from the user of the portable device in response to said step of presentation and further wherein said step of relaying information relays

the user response signal from the portable device to the remote terminal through the local area node, col.4 paragraph 0057.

Regarding claims 13, 14, Steele discloses the portion of the message includes a digitized signal, said step of presenting further includes the step of converting the digitized voice signal to a signal perceivable by the user, col.4 paragraph 0061.

Regarding claim 17, Steele discloses a relay component of a two-way wireless communication system comprising:

a cellular node 80, figure 1 (local area node) for wirelessly relaying information between a portable device and an information server through a network, figure 3; and

a remote server and databases (relay sponsor server) for establishing relay terms for the relaying of information wherein the relay terms require an act or omission not related to the relaying of information between the portable device and said local area node, col4 paragraph 0062.

Regarding claim 18, Steele discloses that the relay terms require a user of the portable device to view an advertisement or provide user profile information, col.7 paragraph 0117.

Regarding claim 20, Steele discloses a method of facilitating access to a remote server comprising the steps of:

transmitting a message signal from a FM carrier 186b (wide area node) to a portable device, the message signal being generated by a message server, figure 3r;

generating a reply message at the portable device in response to the message signal, figure 10, paragraph 0131;

establishing a two-way wireless interface between the portable device and a local area node coupled to the remote message server in response to the message signal;

communicating an advertisement from the local area node to the portable device, the advertisement being substantially unrelated to interface information regarding the interface between the portable device and the local area node, col.6 paragraph 0109; and

relaying the reply message from the portable device to the message server through the local node area in response to communication of the advertisement, col.6 paragraph 0109.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 10, 11, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele et al (U.S 2002/0046084 A1) in the view of Takeda et al (U.S Patent No. 6,128,316).

Regarding claim 7, Steele does not disclose that step of terminating the step of relaying in response to an amount of information relayed between the portable device and the remote terminal exceeding a predetermined amount. Takeda discloses the system stopping transmission of data when bandwidth exceeded, figure 1, col.15 lines

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45-50. Therefore, it would have been obvious to one having ordinary skill in the art to include the future of termination of a transmission of data when exceeding an amount of bandwidth so that the network can avoid traffic congestion due to the limited bandwidth allocation.

Regarding claims 10, 11, Steele does not disclose that a size difference between the first geographical area (2000 feet between communication device and local re-layer) and a second geographical area (200 feet between communication device and local re-layer) is at least ten times greater. However, it would have been obvious to one having ordinary skill in the art to include the feature a specific size in zone setup so that frequencies can be reused more efficiently to a specific number in the designed choice.

Regarding claim 15, 19, Steele discloses that the local area node is a member of a plurality of local area nodes each having a corresponding plurality of non-identical areas and the portable device may be located in any one of the plurality of areas and said steps of sending and relaying may be performed with any member of the plurality of local area nodes when the portable device is located in the corresponding area, col.10 paragraphs 0141-0144.

Allowable Subject Matter

6. Claims 8, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



STEVEN NGUYEN
PRIMARY EXAMINER